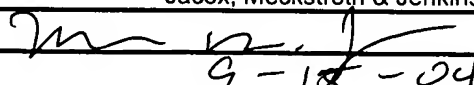


IFW

PTO/SB/21 (02-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/722,287
	Filing Date	11-25-2003
	First Named Inventor	William W. Henning
	Art Unit	3679
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	AFI-FL 001 P2

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Return Card
Remarks 18 Non-Patent Reference		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MATTHEW R. JENKINS Jacox, Meckstroth & Jenkins
Signature	
Date	9-18-04

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Rebecca Lantis	
Signature	Rebecca Lantis	Date 9-17-2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Applicant(s) : WILLIAM W. HENNING
Serial No. : 10/722,287
Filed : 11-25-2003
Title : BASEBALL AREA PROTECTION
SYSTEM AND METHOD
Group : 3679
Docket : AFI-FL 001 P2

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 222313-1450 on	
9-17-2004	
(date)	Rebecca Lantis
(Typed or printed name of person mailing paper or fee)	
Rebecca Lantis	
Signature of person mailing paper or fee	

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.97(b)

Pursuant to the provisions of 37 CFR §1.97(b), Applicant(s) wishes to disclose the materials listed below and on the attached form PTO/SB/08A which the Examiner may find relevant to the examination of the above-identified patent application. Pursuant to the Official Gazette Notice of August 5, 2003, waiving the requirements under 37 CFR §1.98(a)(2)(i), Applicant(s) believe copies of any U.S. patents or U.S. patent applications are not required. Copies of any Foreign or Non-Patent references are enclosed herewith.

<u>U.S. Patent No.</u>	<u>Issued</u>	<u>Inventor (s)</u>	<u>Title</u>
3,862,876	01-28-1975	Graves	Protective Edge Weighted Cover.
4,272,575	06-09-1981	Egigian	Anchor Mat.
4,580,372	04-08-1986	Osborn	Lightweight Tarpaulin.
4,634,618	01-06-1987	Greer et al.	Weighted Towel.
4,682,447	07-28-1987	Osborn	Lightweight Tarpaulin.
4,690,585	09-01-1987	Holmberg	Erosion Control Foundation Mat and Method.
4,889,446	12-26-1989	Holmberg	Erosion Control Foundation Mat and Method.
4,961,981	10-09-1990	Keegan	Weighted Netting.
5,364,156	11-15-1994	Zerow	Weighted, Foldable Vehicle Cover.
5,579,610	12-03-1996	Jackson	Leaf Retaining Net.

D379,081	05-06-1997	Wilson	Chain-Weighted Tarp.
D389,451	01-20-1998	Wilson	Weighted Tarp.
6,363,661	04-02-2002	Myers	Protective Cover.
6,394,528	05-28-2002	Hoenack	Ballistically Deployed Vehicle and Utility Covers.

Other:

American Athletic. "Windscreens & Field Covers – American Athletic Baseball and Softball - Equipment, Pro." <<http://www.aaibaseball.com/covers.htm>>. Admitted Prior Art

Austintown Fence Company. "Austintown Fence Company: Product Catalog." <<http://www.afencecompany.com>>. Admitted Prior Art

BSN Sports. "esportsonline – 9013." <<http://www.ssgecom.com>>. Admitted Prior Art

Cover Sports USA. "Athletic Field Cover – Cover Sports USA". <<http://www.coversports.biz/fieldsaver.html>>. Admitted Prior Art

Covermaster Inc. "Covermaster – Masters in the Art of Sports Surface Covers – Seat covers, Windscreens." <<http://www.covermaster.com>>. Admitted Prior Art

Douglas Industries. "Douglas Field Covers & Infield Grass Protectors." <<http://www.Douglas-sports.com/BsCovers.htm>>. Admitted Prior Art

Hoover Fence Co. "Baseball/Softball - Field Maintenance Equipment." <<http://www.hooverfence.com/sports/bseball-softball/tarps.htm>>. Admitted Prior Art

J.A.Cissel Mfg. Co. "Courtmaster Baseball Field Covers & Fencing." <<http://www.jacissel.net>>. Admitted Prior Art

Mid America Sales Associates. Your Total Sport Source. "Shop Baseball." <<http://www.masa.com>>. Admitted Prior Art

M.Putterman. "M. Putterman Vinyl Covers" <<http://www.mputterman.com/vinyl.shtml>>. Admitted Prior Art

Missouri Turf Paint and Field Graphics. "Field Covers for Baseball & Softball." <http://www.missouriturfpaint.com/baseball_cb.html>. Admitted Prior Art

NexTag. NexTag search results for Collegiate Pacific Products." <<http://www.nextag.com>>.

Online Sports.Com "20' Circular Ultra-Lite Pitcher's Mound Cover from Collegiate Pacific." <<http://www.onlinesports.com>>. Admitted Prior Art

ProMounds, Inc. "Baseball Field Covers." <<http://www.baseballmounds.com/fieldcovers.htm>>. Admitted Prior Art

SportsMaster. "Baseball/Athletic Field Covers." <http://www.sportmasterinc.com/baseball_athletic.htm>. Admitted Prior Art

VPI Field Covers and Fencing. "VPI Field Covers and Fences."
<http://www.sport2000.net.VPIfieldcovers_fencing.html>. Admitted Prior Art

WeatherBeater by Colorado Lining. "CLI's WeatherBeater Athletic Field Covers and Products."
<<http://coloradolining.com/weatherbeater>>. Admitted Prior Art

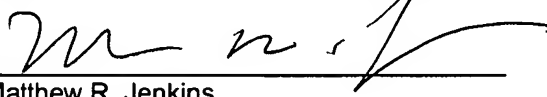
Fence-Top Protection. "Baseball Field Covers - Windscreens." CoverSports USA. Philadelphia,
PA 2001 Brochure (with attached Dealer Cover Pricing 1/1/02)

The filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b). By filing this statement, Applicant(s) is not making any representation as to whether any of the references referred to herein are material. Further, Applicant(s) cites these references without prejudice, and Applicant(s) reserves the right to contest the status of these references as prior art.

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to **Deposit Account No. 50-1287**. Applicant(s) hereby provides a general request for any extension of time which may be required at any time during the prosecution of the application. The Commissioner is also authorized to charge any fees which have not been previously paid for by check and which are required during the prosecution of this application to **Deposit Account No. 50-1287**. (Should Deposit Account No. 50-1287 be deficient, please charge any further deficiencies to Deposit Account No. 10-0220).

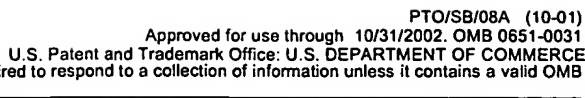
Respectfully submitted,

JACOX, MECKSTROTH & JENKINS

By 
Matthew R. Jenkins
Reg. No. 34,844

1205 Manatee Avenue West
Bradenton, FL 34205
(941) 747-0339

September 10, 2004



Substitute for form 1449A/PTO

(use as many sheets as necessary)

Sheet 1 of 3

Complete if Known

Application Number	10/722,287
Filing Date	11-25-2003
First Named Inventor	William W. Henning
Art Unit	
Examiner Name	
Attorney Docket Number	AFI-EL 001P2

Examiner Initials [*]	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US- 3,862,876	01-28-1975	Graves	
		US- 4,272,575	06-09-1981	Egigian	
		US- 4,580,372	04-08-1986	Osborn	
		US- 4,634,618	01-6, 1987	Greer et al.	
		US- 4,682,447	07-28-1987	Osborn	
		US- 4,690,585	09-01-1987	Holmberg	
		US- 4,889,446	12-26-1989	Holmberg	
		US- 4,961,981	10-09-1990	Keegan	
		US- 5,364,156	11-15-1994	Zerow	
		US- 5,579,610	12-03-1996	Jackson	
		US- D379,081	05-06-1997	Wilson	
		US- D389,451	01-20-1998	Wilson	
		US- 6,363,661	04-02-2002	Myers	
		US- 6,394,528	05-28-2002	Hoenack	
		US-			
		US-			
		US-			
		US-			
		US-			

[illegible]

Date Considered

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	10/722,287
		Filing Date	11-25-2003
		First Named Inventor	William W. Hennina
		Group Art Unit	
		Examiner Name	
Sheet 2 of 3	Attorney Docket Number	AFI-FL 001P2	

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		American Athletic. "Windscreens & Field Covers – American Athletic Baseball and Softball - Equipment, Pro" < http://www.aabaseball.com/covers.htm >.	
		Austintown Fence Company. "Austintown Fence Company: Product Catalog" < http://www.afencecompany.com >.	
		BSN Sports. "esportsonline – 9013" < http://www.ssgecom.com >.	
		Cover Sports USA. "Athletic Field Cover – Cover Sports USA". < http://www.coversports.biz/fieldsaver.html >.	
		Covermaster Inc. "Covermaster – Masters in the Art of Sports Surface Covers – Seat covers, Windscreens". < http://www.covermaster.com >.	
		douglas. "Douglas Industries Covers" < http://www.Douglas-sports.com/BsCovers.htm >.	
		Hoover Fence Co. "Baseball Infield Covers – HOOVER FENCE COMPANY". < http://www.hooverfence.com/sports/bseball-softball/tarps.htm >.	
		J.A.Cissel Mfg. Co. "Courtmaster Baseball Field Covers & Fencing" < http://www.jacissel.net >.	
		M.A.S.A. Your Total Sport Source. "MASA Sporting Goods-Athletic Equipment and Sports Field Supplies. < http://www.masa.com >.	
		M.Putterman. "M. Putterman Vinyl Covers" Friday, 09/19/2003 < http://www.mputterman.com/vinyl.shtml >.	
		Missouri Turf Paint and Field Graphics. "Field Covers for Baseball and Softball" < http://www.missouriturfpaint.com/baseball_cb.html >.	

Examiner Signature	Date Considered
--------------------	-----------------

¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	10/722,287
		Filing Date	11-25-2003
		First Named Inventor	William W. Hennina
		Group Art Unit	
		Examiner Name	
		Attorney Docket Number	AFI-FL 001 P2
Sheet	3	of	3

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T²
		NexTag Before You Buy. "Compare Prices at NexTag – Collegiate Pacific Team Sports, Sports, Outdoors,...". < http://www.nextag.com >.	
		Online Sports.Com "20' Circular Ultra-Lite Pitcher's Mound Cover from Collegiate Pacific. < http://www.onlinesports.com >.	
		ProMounds, Inc. "ProMounds: Athletic and Baseball Field Covers. < http://www.baseballmounds.com/fieldcovers.htm >.	
		SportsMaster. "SportsMasterinc – Baseball" < http://www.sportsmasterinc.com/baseball_athletic.htm >.	
		VPI Field Covers and Fencing. "VPI Field Covers and Fences" < http://www.sport2000.net.VPIfieldcovers_fencing.html >.	
		WeatherBeater by Colorado Lining. "CLI's WeatherBeater Athletic Field Covers and Products. < http://coloradolining.com/weatherbeater >.	
		Fence-Top Protection. "Baseball Field Covers - Windscreens." CoverSports USA. Philadelphia, PA 2001 Brochure (with attached Dealer Cover Pricing 1/1/02)	

Examiner Signature		Date Considered	
-------------------------------	--	----------------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.